

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**JAMES CORNELIUS MOORE, JR.,
Plaintiff,**

Civil Action No. 7:13-cv-00522

v.

**BRIAN TONEY,
Defendant(s).**

MEMORANDUM OPINION

**By: Norman K. Moon
United States District Judge**

James Cornelius Moore, Jr., proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983, with the United States District Court for the Eastern District of Virginia on 8/14/2013 , while incarcerated. Plaintiff's case was transferred to the Western District of Virginia on 11/1/2013. By this court's Order entered 11/01/2013, the court advised plaintiff that a failure to update a mailing address after a transfer or release from incarceration will result in dismissal of this action.

The court's mail to plaintiff has been returned as undeliverable, and plaintiff has not contacted the court since case was conditionally filed. Plaintiff failed to comply with the court's Order requiring plaintiff to maintain an accurate mailing address. Therefore, the court finds that plaintiff failed to prosecute this action, pursuant to Federal Rule of Civil Procedure 41(b), by not complying with the court's 11/01/2013, Order. Accordingly, I dismiss the action without prejudice and deny all pending motions as moot. See Ballard v. Carlson, 882 F.2d 93, 96 (4th Cir. 1989) (stating pro se litigants are subject to time requirements and respect for court orders and dismissal is an appropriate sanction for non-compliance). See also Donnelly v. Johns-Manville Sales Corp., 677 F.2d 339, 340-41 (3d Cir. 1982) (recognizing a district court may sua sponte dismiss an action pursuant to Fed. R. Civ. P. 41(b)).

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying

Order to the parties.

ENTER: This 22nd day of November, 2013.



NORMAN K. MOON
UNITED STATES DISTRICT JUDGE